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*[Additional parties and counsel listed on signature page]*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT  
 ADDICTION/PERSONAL INJURY  
 PRODUCTS LIABILITY LITIGATION

Case No. 4:22-md-03047-YGR

MDL No. 3047

This Document Relates to:  
 ALL ACTIONS

**JOINT STATEMENT REGARDING  
 AGENDA FOR HEARING ON  
 DEFENDANTS' MOTIONS TO DISMISS**

**Hearing:**

Date: October 27, 2023  
 Time: 10:30 a.m.  
 Place: Courtroom 1, 4th Floor  
 Judge: Hon. Yvonne Gonzalez Rogers

Pursuant to the Court's correspondence of August 16, 2023 directing the parties to confer and file a proposed agenda in advance of the hearing scheduled for October 27, 2023 at 10:30 AM, the parties hereby respectfully submit the following:

The parties have met and conferred on a proposed agenda for the hearing on Defendants' Motions to Dismiss.<sup>1</sup> The parties propose that the Court address each of the issues in Defendants' Motions in the order presented below. In accordance with the Court's instructions, Plaintiffs and

<sup>1</sup> Defs.' Joint Mot. to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) Plaintiffs' Priority Claims Asserted in Am. Master Complaint (Dkt. 237); Def. Snap Inc.'s Supp. Brief in Support of Defs.' Joint Mot. to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) Plaintiffs' Priority Claims Asserted in Am. Master Complaint (Dkt. 238); and Defs.' Supp. Joint Mot. to Dismiss Pursuant to Rule 12(b)(6) Plaintiffs' Priority Claims Under Section 230 and the First Amendment (Dkt. 320).

Defendants will have one person at the microphone for each side on each issue. Further, for the Court's consideration, the parties respectfully offer suggestions on the amount of time to be allocated to argument on each issue. Of course, the parties defer to the Court on which issues the Court wishes to hear argument and for how long.

Separately, Plaintiffs have requested a Case Management Conference following the October 27, 2023 hearing on Defendants' Motions. The parties set forth their respective positions on this request below.

#### **Joint Proposed Agenda**

1. Immunity pursuant to Section 230 of the Communications Decency Act (60 minutes) (30 each side)
2. First Amendment (50 minutes) (25 each side)
3. Lunch break (45 minutes)
4. Pleading sufficiency of product liability claims against Defendants (30 minutes) (15 each side)
5. Pleading sufficiency of Plaintiffs' alleged duty of care owed by Defendants (30 minutes) (15 each side)<sup>2</sup>
6. Pleading sufficiency of Plaintiffs' causation allegations (30 minutes) (15 each side)
7. 10-minute break
8. Pleading sufficiency of Plaintiffs' negligence per se claim (30 minutes) (15 each side)
9. Snap Inc.'s supplemental briefing (10 minutes) (5 each side)

#### **Plaintiffs' Position on Request for Case Management Conference**

Since the parties last appeared before the Court on March 3, 2023, several developments have arisen that Plaintiffs believe will be most efficiently addressed with a brief Case Management Conference ("CMC") following the hearing, should time permit. Specifically, Plaintiffs propose allocating no more than 30 minutes for a CMC on the following:

1. Post-Demurrer Discovery Coordination with JCCP

<sup>2</sup> Plaintiffs have filed an administrative motion proposing that Count V (general negligence) also be considered at this time. *See* Dkt. 388. Defendants oppose that motion. *See* Dkt. 392.

2. Briefing of Remaining Claims
3. School District Cases
4. Pending Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge Regarding Expert Disclosure (Dkt. 303)

### **Defendants' Position on Plaintiffs' Request for Case Management Conference**

Defendants oppose Plaintiffs' request to hold a CMC following the hearing. The Court did not set a CMC for October 27, 2023 or request a case management statement in advance of the hearing. Instead, the Court set a hearing on Defendants' Motions to Dismiss and requested in advance only an agenda for that hearing. The parties have not prepared a joint statement regarding any of Plaintiffs' proposed topics. In any event, the Court's ruling on Defendants' Motions will inform how, if at all, discovery should proceed, the extent of further briefing required on Plaintiffs' remaining claims, and initial motions practice on the School District Cases, making the topics Plaintiffs seek to raise premature. Defendants will be prepared to discuss at next Friday's hearing setting a CMC at a date convenient to the Court following its Motion-to-Dismiss ruling, and any issues the Court would like the parties to address in advance through a joint statement.

DATED: October 20, 2023

Respectfully submitted,

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**ATTESTATION**

I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: October 20, 2023

By: /s/ Ashley M. Simonsen  
Ashley M. Simonsen

**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2023, service of this document was accomplished pursuant to the Court's electronic filing procedures by filing this document through the ECF system.

DATED: October 20, 2023

By: /s/ Ashley M. Simonsen  
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